

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

OCT 18 2010

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

KINETIC CONCEPTS, INC. ET AL. § No. SA-08-CV-102-RF

Plaintiffs,

v.

BLUESKY MEDICAL
CORPORATION, and SMITH &
NEPHEW, INC.,
Defendants.

FINAL JUDGMENT

On this day, the Court entered an Order GRANTING Defendants Bluesky Medical Corporation and Smith & Nephew, Inc.'s Motion for Judgment as a Matter of Law of Invalidity for Obviousness (Docket No. 504). The Court now enters its Final Judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is ORDERED that Claims 42, 109(108)(20), 116(20), 116(42), 121(20) and 121(42) of United States Patent No. 7,216,651 would have been obvious to a person of ordinary skill in the field when the application was filed on November 14, 1991.

It is ORDERED that Claims 2 and 5 of United States Patent No. 5,645,081 would have been obvious to a person of ordinary skill in the field when the application was filed on November 14, 1991.

Therefore, it is ORDERED that judgment be rendered in favor of Defendants Bluesky Medical Corporation and Smith & Nephew Holdings, Inc.

It is finally ORDERED that each party bear its own costs.

Signed this 18th day of October, 2010.



Royal Furgeson
Senior United States District Judge